

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \*

4 CANDICE KATIE TOWNER,

5 Plaintiff,

6 v.

7 FREDERICK OMOYUMA SILVER,

8 Defendants.

Case No. 2:19-CV-00636-JAD-EJY

**ORDER  
and  
REPORT AND RECOMMENDATION**

**RE: Motion to Extend Time to File Second  
Amended Complaint (ECF No. 5)**

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11 Before the Court is Frederick O moyuma Silver's ("Defendant") Motion to Extend Time to  
12 File Second Amended Complaint (ECF No. 5) submitted on January 2, 2020. Defendant  
13 misrepresents himself in the caption of this matter by showing himself as Plaintiff rather than  
14 Candice Towner as Plaintiff. Defendant has initiated no claims in this court and therefore has no  
15 basis to seek an extension to file an amended claims. Instead, the Court granted *Plaintiff's*  
16 Application to Proceed *In Forma Pauperis* on August 16, 2019 (ECF No. 4), dismissed Plaintiff's  
17 Complaint without prejudice, and gave *Plaintiff* an opportunity to file an amended complaint within  
18 30 days of the August 16, 2019 Order. To date, the Plaintiff, Candice Towner, has not filed an  
19 amended Complaint and, as such, the Court recommends dismissal with prejudice of Plaintiff's  
20 Complaint.

21 **ORDER**

22 IT IS HEREBY ORDERED that Defendant's Motion (ECF No. 5) is denied as moot.  
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DATED: January 6, 2020

  
ELAYNA J. YOUCHAK  
UNITED STATES MAGISTRATE JUDGE

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